

MINUTES OF REGULAR MEETING August 1, 2007

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, Lisa Nargi, Patricia Dziubek and Frank Mazza. J. Peter Jost, Esq., Township Attorney, John Reymann, P.E., Township Engineer and Ella Malecki Ruta, Township Clerk, were also present.

APPROVAL OF MINUTES – None at this time

VISITORS – Kathy Harvey from Recreation Committee

Kathy Harvey, Township resident, as well as a member of the recreation committee, came in front of the Township Committee to talk about the possibility of building two tennis courts at Finn Park, next to the pavilion. She said there is a petition with three hundred signatures in support.

Mrs. Harvey presented an argument of children and adults playing elsewhere and others interested in playing if we had our own tennis courts. She said USDA would provide financial support in the amount of \$750.00 for the first two seasons after opening. She stated that the research of cost involved with the project was done by another Rec. Comm. Member, but no estimate could be obtained unless the actual site has been designated. It is safe to say that it would be in the range of \$45,000.00 per court. Mrs. Harvey talked to Mr. Plushanski, local excavator, who is willing to donate some of his time and equipment to do the excavation. This would cut a big portion of the total costs.

Mrs. Nargi stated that even before it is considered, the Township Engineer and other professional experts would have to look into the environmental impact of the project. One of the concerns would be how much more surface can be covered at the park.

Mrs. Dziubek reminded everybody that Finn Park is co-owned by Green Acres, which could also pose a problem for that location.

Mayor Mazza asked if any other location was considered and suggested to look into Millbrook Park. Mayor Mazza also delegated township Engineer to contact Green Acres as well as Dr. Souza, Township Environmental Consultant in this matter.

EXECUTIVE SESSION – Action may be taken following Executive Session

At 7:15 PM the following resolution was introduced for adoption:

**RESOLUTION#2007-123
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations – Clinton Township Municipal Court.

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Motion was made by Mrs. Nargi, seconded by Mrs. Dziubek to adopt the above resolution. Motion carried by unanimous favorable roll call vote.

At approximately 8:05 motion was made by Mr. Haynes, seconded by Mr. Severino, to return to the regular meeting. Motion carried by unanimous favorable roll call vote.

At this time a scheduled visitor, Mary Beth Lonergan from Carl Hintz's office came in to update the Committee on the latest regulations by COAH.

Ms. Lonergan gave a summary of COAH decisions and changes made since January of 2007. She spoke of specifics that Union Township needs to consider in order to comply with all COAH rules and regulations including RCA's, Milligan Farm, the Grant we have applied for and preparation of RFP's.

Ms. Lonergan explained ramification of the last appellate court decision and the direct impact it is going to have on the existing Township COAH plan. She also stated that COAH is not allowed any third-round certifications, but the Township could be asked to provide additional information regarding RCA's.

Mrs. Dziubek asked how our plan would be affected if the Township's designation was to change from PF2 to PF3. Ms. Lonergan explained that it does not necessarily mean denial of funding, but it would certainly make it more complicated. Mrs. Dziubek also stated that some sort of communication has to begin with the State in order to push the project forward.

After a session of questions, answers and detailed explanations on specific issues between Ms. Lonergan and the Township Committee, it was agreed that a Subcommittee would be formed to start dialogue between the Office of the Smart Growth and representatives from the Township. The Subcommittee should also act as a liaison between the Committee and the State to ensure progress.

After Mary Beth Lonergan finished her presentation, the Committee decided to form an official Subcommittee on COAH. Mrs. Dziubek and Mr. Haynes would represent the Twp. Committee, a member from the Planning Bd, Environmental Commission and a resident of the Township would make up the Subcommittee.

It was suggested by the Twp. Engineer that Ms. Lonergan should set-up the first meeting with the office of OSG and Mrs. Dziubek and Mr. Reymann shall attend the meeting.

Mayor Mazza announced the next visitor who was not scheduled on the agenda. Jeff Polenz, Road Department employee was present to submit a request to attend training classes as a Certified Public Works Manager. Mr. Polenz said daytime classes are once a week starting September 6th through December 3rd. He also said this is just the first of three units; to complete the program it will take approximately 2 years. Mr. Polenz would prefer taking daytime instead of evening classes. The deadline for applying is August 23, 2007.

Mrs. Dziubek asked Mr. Polenz if he would still take classes if the Township would not finance it. He said that financially it would not be possible at the present time, but would consider it in the future.

Mr. Severino asked if the Foreman of the Road Dept. was offered the same training. Mayor Mazza, Mr. Haynes and Mrs. Nargi replied in the affirmative; however the Foreman is not interested in taking the training.

Mr. Haynes commented on taking same classes and although they are expensive, they are very worth while. He also said Mr. Polenz would not be able to obtain the certification at the end of the training; he does not meet requirements (has to hold managerial position for 5 years) to sit for the state exam.

Mrs. Nargi asked how long this Township can hold exempt status from having Certified Pubic Works Manager. Mr. Haynes answered that as long as the population remains under 10,000 and there is no public water and sewer, there is no requirement for certification.

Mrs. Nargi was in favor of Mr. Polenz or anybody interested in going to school to better themselves and implement new ways and ideas in the workplace.

Mr. Severino questioned Mr. Polenz's absence from his job on the school days. Mr. Haynes reassured him that it would be worked out with the other Road Dept. employees.

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Mayor Mazza expressed his concerns regarding other Road Dept. employees taking vacation at the same time and Dept. being down to just three people. Mr. Polenz said that issue could be worked out within the Dept.

Mrs. Nargi stated that scheduling of time should be determined by the Road Dept. foreman, Craig Herman. Motion was made by Mr. Severino to approve Mr. Polenz's request to attend first semester of classed for Manager of Public Works Department Certification, subject to availability of funds. Mrs. Nargi seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

REPORTS RECEIVED

a. Road Dept. June 18-22; 25-29, July 2-6; 9-13

Mrs. Dziubek questioned cross training on rainy days that is not reflected in the report. Mr. Haynes stated that the foreman will report on that once a month.

b. Claims Register – 8/01/07

c. Pattenburg Fire Co. - Mr. Van Fossen, Pattenburg Fire Chief submitted a letter concerning access to Williamson Lane with emergency response vehicle if another house is going to be built.

Brain Kirkpatrick, township resident and member of Union Twp. Planning Board explained the issue and rationalized his decision to vote in favor of permit approval by the Planning Board .

Mrs. Nargi said the permit should not have been issued and expressed her frustration with not following policies and procedures set by the Township and lack of communication between departments. She stated that this is a safety issue and should be followed-up on.

CORRESPONDENCE

Mrs. Nargi mentioned a letter from the Pagano's regarding violation penalty issued by Construction Dept. Attorney Jost stated that the issue was resolved to everybody's satisfaction.

Pat Dziubek pointed out notice on NJ Supreme Court Rule on Limitations of "Progressive Discipline" and National Fire Protection Association looking at standard changes of operations. She would like to have data from our emergency response organizations on the response time to an emergency.

PUBLIC COMMENTS

Brian Kirkpatrick, 21 Finn Road, talked about his visit to the Douglas' Farm. He commented on degenerating structure of building located on the farm. Attorney Jost suggested for the Township's construction official to do the inspection. Township Committee agreed. Mr. Jost will contact John Leonard, Building Inspector. Mr. Kirkpatrick reminded Committee of his interest in the farm and his presentation from a few months ago on possibility of leasing, buying or farming the land.

PUBLIC HEARING – 2ND Reading

OLD BUSINESS

a. **RESOLUTION #2007-** : Amendments to the Resolution #2003-39/Reclamation Plan for Pattenburg Quarry

Information to make necessary amendments to Resolution #2003-39 is still not available. Township Engineer will contact the new owner of the Quarry. It is tabled at this time.

b. **RESOLUTION #2007-** : 2007-2008 Liquor License Renewal – Pattenburg Entertainment Inc./Pattenburg House

Due to missing documentation from the State to renew the above Liquor Licenses the above resolution was tabled.

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NEW BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION 2007-124
Re: Road Opening Inspection Escrow
BDAREM c/o John M. De Riso
6 Fox Hill, Clinton, NJ 08809
Block 23 Lot 2.05**

WHEREAS, BDAREM c/o John M. DeRiso, 6 Fox Hill, Clinton, NJ 08809 posted an inspection fee escrow for a road opening, and

WHEREAS, the work and inspection are complete,

NOW, THEREFORE, BE IT RESOLVED, that the balance of the inspection escrow account in the amount of \$500.00 be refunded to BDAREM c/o John M. DeRiso, and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately

Motion was made by Mr. Haynes, seconded by Mrs. Nargi to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- b. The following resolution was introduced for adoption:

**RESOLUTION #2007-125
UNION TOWNSHIP, HUNTERDON COUNTY
ACCEPT & AWARING CONTRACT; ROADS MAINTENANCE AND REPAIR**

WHEREAS, the Township Committee of the Township of Union accepted bids for various roads maintenance and repairs on July 26, 2007; and

WHEREAS, the Township Engineer has recommended the contract for the Road Maintenance and Repairs be awarded to low bidder Asphalt Paving System, Inc. 500N. Egg Harbor Road, Hammonton, NJ 08037, 609-561-4161;

THEREFORE, BE IT FURTHER RESOLVED that the Township of Union Committee hereby accepts the bid for the Road Maintenance and Repairs from Asphalt Paving System, Inc. whose bid amounted to \$51,340.00:

AWARD OF CONTRACT

BE IT RESOLVED, that the contract for the Road Maintenance and Repairs, be and is hereby awarded to Asphalt Paving System, Inc. in the amount of \$51,340.00 subject to the following:

1. That the presiding officer of the Union Township Committee is hereby directed to sign for and on its behalf the contract in the prescribed Form for said construction;
2. That the Clerk of Union Township be and is hereby directed to seal said Contract with the corporate seal of Union Township and to attest to same.
3. That on receipt of a bond for not less than the amount of said contract executed

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in the prescribed form and heretofore approved by the Township Attorney, the presiding officer and finance committee thereof be and are hereby in their discretion, empowered to approve said bond.

4. This contract is awarded pending review of the Township Attorney.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- c. The following resolution was introduced for adoption:

**RESOLUTION #2007-126
APPROVING FIREWORKS DISCHARGE
For Union Township Community Day**

WHEREAS, Union Township has scheduled a Community Day for September 9, 2007, to be held on the property of Hunterdon Hills Playhouse; and

WHEREAS, it is desired that the Township sponsor a fireworks display for the entertainment of the residents during Community Day;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, New Jersey, that the Township of Union Committee hereby grants permission for and agrees to sponsor a display for fireworks to be performed by Garden State Fireworks Company, Inc., 383 Carlton Ave., Millington, New Jersey on September 9, 2007, provided that Garden State Fireworks Company, provide the Township of Union and the Hunterdon Hills Playhouse with a Certificate of Insurance in a form acceptable to the Township Attorney.

BE IT FURTHER RESOLVED, that a true copy of this resolution shall be forwarded to the State of New Jersey, Department of Community Affairs, Division of Fire Safety, CN 809, Trenton, New Jersey 08625-0809.

Motion was made by Mr. Severino, seconded by Mrs. Nargi to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- d. The following resolution was introduced for adoption:

**RESOLUTION # 2007-127
A RESOLUTION TO APPLY FOR AND ACCEPT
MUNICIPAL LAND ACQUISITION FUNDS
VIA THE BALANCED HOUSING PROGRAM**

WHEREAS, the Township of Union desires to apply for and obtain funds from the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program for an amount not to exceed the maximum amount allowed in accordance with *NJAC 5:43-1* and FF for the purpose of acquiring land for the Milligan Affordable Housing Site.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union, in the County of Hunterdon, does hereby authorize the application for and the execution of a contract for the receipt of such funds from the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program and acknowledge that they are an eligible municipality in accordance with *NJAC 5:43-1.3(b)(c)(d)*. The municipality will upon the execution of such a contract, authorize the

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expenditure of such funds pursuant to the terms of said contract between the Township of Union and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the contract and any other documents necessary in connection therewith

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes to adopt above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. **RESOLUTION #2007-** : Approval of the Red Hills Industries Inc. Quarry Application

Due to insufficient time to consider this application, the above resolution is tabled at this time.

Discussion – Pattenburg Fire Co. /2007 Fund Drive

Mayor Mazza informed the Committee of complaints received from neighboring Fire Dept's responding to emergency calls from our Township. They expressed their disappointment in the way this year's fund drive was conducted by the Pattenburg Fire Dept. Pattenburg Dept. spread their fund drive throughout the entire Township leaving all other Fire Dept's unable to collect any donations. Mrs. Nargi suggested calling Pattenburg Fire Co. to get clarification on the situation. Mayor Mazza offered to make the phone call.

NEW ORDINANCE – 1st Reading – None at this time

REPORTS

- a. **Engineer's Report** – Mr. Reymann mentioned the following: - waiting for revised site plan for Grand Colonial; responded to the Township resident about retaining wall at Perryville Estates III Development. Mr. Severino asked the Engineer about a letter received some time ago from the NJ DEP regarding request by Edna Mahan to divert water from one existing and one new well in the Township of Union. Engineer Reymann stated that he has already contacted NJDEP and was informed that this is just a regular course of action, but will contact DEP again to follow-up. Mr. Severino mentioned an article from the newspaper taking about plans to put a second water storage tower on the Edna Mahan Facilities property.
- b. **Attorney's Report** – Mr. Jost mentioned the following; - need authorization to advertise bid specifications for F-550 dump truck body. Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi to authorize soliciting bids for the F-550 dump truck body. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried; - stated that according to our professionals, Dr. Steve Sousa and Mr. Vince Uhl, they have supplied to Echo Sciences all additional information required by DEP. DEP replied that extension is granted, but deadline is August 21st. Attorney Jost informed Echo Sciences of that fact.
Mr. Severino asked Mr. Jost about appraisals for Milligan Farm. Attorney Jost said he could go back, if necessary, and research his files. Mr. Jost also commented that Green Acres reviewed both appraisals to their satisfaction.
- c. **Mayor's Report** – None at this time.
- d. **Committee Report**
 - Mrs. Nargi would like to discuss Construction Office at the next Twp. Committee Mtg. on September 5, 2007.

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- Mr. Haynes mentioned the following: - chassis for the dump truck body was ordered through Morris County Co-Op.

e. Clerk's Report

- "Work Line" – Cleaning Service Estimate
After a brief discussion the Clerk was directed to update current estimate with additional services and bring it back for vote to the next Twp. Committee meeting
- Dannucci Roofing Co., Inc. – Estimate to repair leak in the roof
Motion was made by Mrs. Nargi, seconded by Mrs. Dziubek to approve repairs to the roof by Dannucci Roofing Co. in the amount of \$300.00. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried

PUBLIC COMMENTS

Sue Sharpe, reporter from the HC Democrat, asked if Resolution #2007-123 was passed in Executive Session. Attorney Jost stated that the Township Committee never passes resolutions in Executive Session.

PAYMENT OF THE BILLS – Mr. Severino moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mrs. Nargi seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, a motion to adjourn was made by Mr. Haynes, seconded by Mrs. Dziubek. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:20 PM

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk